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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,277	11/02/2001	Kiem-Phong Vo	1999-0707	2466

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Samuel H. Dworetsky
AT&T CORP.
P.O. BOX 4110
Middletown, NJ 07748-4110

EXAMINER	
LAZARO, DAVID R	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,277	VO, KIEM-PHONG	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/02/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31 are pending in this Office Action.

Papers Received

2. 'Request to Rescind Non-publication Request' received 12/02/02.

3. 'Petition to Revive' received 05/21/03. Petition granted 09/04/03.

Information Disclosure Statement

4. The information disclosure statement (IDS), submitted on 11/02/01, has been considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 7-15 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,078,953 by Vaid et al. (Vaid).

7. With respect to Claim 1, Vaid teaches a method for providing data traffic status of a network, comprising: monitoring data traffic over the network (Col. 9 line 66 - Col. 10

line 8), wherein the data traffic includes at least one of data and voice traffic (Col. 7 lines 30-49); determining a traffic level of at least one site of the network (Col. 9 line 66 - Col. 10 line 8 and Col. 10 line 41 - Col. 11 line 21); and selectively displaying traffic information based on the traffic level (Col. 12 lines 26-34 and Col. 18 lines 46-64).

8. With respect to Claim 2, Vaid teaches all the limitations of Claim 1 and further teaches determining the traffic level further includes comparing the data traffic of a plurality of sites to determine a relative traffic volume (Col. 10 lines 53 - Col. 11 line 3).

9. With respect to Claim 3, Vaid teaches all the limitations of Claim 2 and further teaches the plurality of sites share a common attribute (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28).

10. With respect to Claim 4, Vaid teaches all the limitations of Claim 3 and further teaches the common attribute is at least one of selling similar products, providing similar types of service and providing similar types of information (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28).

11. With respect to Claim 7, Vaid teaches all the limitations of Claim 1 and further teaches monitoring the data traffic over the network further includes obtaining an originating address and a destination address for the traffic over the network (Col. 13 lines 33-43).

12. With respect to Claim 8, Vaid teaches all the limitations of Claim 7 and further teaches the originating address and destination address are obtained from a portion of the data traffic traveling over the network (Col. 13 lines 33-43).

13. With respect to Claim 9, Vaid teaches all the limitations of Claim 1 and further teaches the traffic information includes at least an address of the at least one site (Col. 14 lines 38-48).

14. With respect to Claim 10, Vaid teaches all the limitations of Claim 9 and further teaches the traffic information further includes a rate of the data traffic of the at least one site (Col. 4 lines 56-67 and Col. 10 lines 53 - Col. 11 line 3).

15. With respect to Claim 11, Vaid teaches a method for notifying a subscriber of traffic flow to one or more sites on a network, comprising: monitoring data traffic to the one or more sites over the network (Col. 9 line 66 - Col. 10 line 8), wherein the data traffic includes at least one of data and voice traffic (Col. 7 lines 30-49); generating a traffic notification when an amount of data traffic to at least one or more of the sites on the network meets at least one predetermined threshold (Col. 10 lines 53 - Col. 11 line 3, Col. 16 lines 39-49 and Col. 18 lines 46-64); and transmitting the traffic notification to the subscriber (Col. 3 line 66 - Col. 4 line 6 and Col. 12 lines 26-34 and Col. 18 lines 46-64).

16. With respect to Claim 12, Vaid teaches all the limitations of Claim 11 and further teaches determining the traffic level further includes comparing the data traffic of a plurality of sites to determine a relative traffic volume (Col. 10 lines 53 - Col. 11 line 3).

17. With respect to Claim 13, Vaid teaches all the limitations of Claim 12 and further teaches the plurality of sites are generally related to each other (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28).

18. With respect to Claim 14, Vaid teaches all the limitations of Claim 13 and further teaches the plurality of sites share a common attribute (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28).

19. With respect to Claim 15, Vaid teaches all the limitations of Claim 14 and further teaches the common attribute is at least one of selling similar products, providing similar types of service and providing similar types of information (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28).

20. With respect to Claim 18, Vaid teaches all the limitations of Claim 11 and further teaches monitoring the data traffic over the network further includes obtaining an originating address and a destination address for the traffic over the network (Col. 13 lines 33-43).

21. With respect to Claim 19, Vaid teaches all the limitations of Claim 18 and further teaches the originating address and destination address are obtained from a portion of the data traffic traveling over the network (Col. 13 lines 33-43).

22. With respect to Claim 20, Vaid teaches all the limitations of Claim 11 and further teaches the traffic information includes at least an address of the at least one site (Col. 14 lines 38-48).

23. With respect to Claim 21, Vaid teaches all the limitations of Claim 20 and further teaches the traffic information further includes a rate of the data traffic of the at least one site (Col. 4 lines 56-67 and Col. 10 lines 53 - Col. 11 line 3).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

25. Claims 5, 6, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of U.S. Patent 6,836,800 by Sweet et al. (Sweet).

26. With respect to Claim 5, Vaid teaches all the limitations of Claim 1 but does not explicitly disclose determining the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record. As part of determining a traffic level, Sweet teaches comparing current data traffic for at least one site to a historical data traffic record (Col. 2 line 55 - Col. 3 line 3 and Col. 4 line 59 - Col. 5 line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaid and modify it as indicated by Sweet such that determining the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record. One would be motivated to have this as this reduces false alarms and provides for more accurate conclusions in regard to network status (Col. 1 lines 52-63 and Col. 4 line 59 - Col. 5 line 7 of Sweet)

27. With respect to Claim 6, Vaid in view of Sweet teaches all the limitations of Claim 5 and further teaches the historical data traffic record is data traffic to the at least one site for a preceding period of time (Col. 2 line 55 - Col. 3 line 3 and Col. 4 line 59 - Col. 5 line 7 of Sweet).

28. With respect to Claim 16, Vaid teaches all the limitations of Claim 11 but does not explicitly disclose monitoring the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record. As part of monitoring a traffic level, Sweet teaches comparing current data traffic for at least one site to a historical data traffic record (Col. 2 line 55 - Col. 3 line 3 and Col. 4 line 59 - Col. 5 line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaid and modify it as indicated by Sweet such that monitoring the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record. One would be motivated to have this as this reduces false alarms and provides for more accurate conclusions in regard to network status (Col. 1 lines 52-63 and Col. 4 line 59 - Col. 5 line 7 of Sweet)

29. With respect to Claim 17 Vaid in view of Sweet teaches all the limitations of Claim 16 and further teaches the historical data traffic record is data traffic to the at least one site for a preceding period of time (Col. 2 line 55 - Col. 3 line 3 and Col. 4 line 59 - Col. 5 line 7 of Sweet).

30. Claims 22-25 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of U.S. Patent 6,792,458 by Muret et al. (Muret).

31. With respect to Claim 22, Vaid teaches a device that provides data traffic status of a network, comprising: a network interface (Col. 6 lines 1-17); a controller, coupled to the network interface that monitors data traffic over the network (Col. 9 line 66 - Col. 10

line 8), determines a traffic level of at least one site of the network (Col. 9 line 66 - Col. 10 line 8 and Col. 10 line 41 - Col. 11 line 21) and selectively displays traffic information to at least one subscriber based on the traffic level (Col. 3 line 66 - Col. 4 line 6, Col. 12 lines 26-34 and Col. 18 lines 46-64), wherein the data traffic includes at least one of data and voice traffic (Col. 7 lines 30-49). Vaid does not explicitly disclose a subscriber database that stores information related to subscribers. Muret teaches the use of a subscriber database that stores information related to subscribers in a data traffic monitoring system (Col. 19 lines 56-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Vaid and modify it as indicated by Muret such that the device further comprises a subscriber database that stores information related to subscribers; and wherein a controller is coupled to the network interface and the subscriber database. One would be motivated to have this, as it provides a flexible way to provide security through authentication (Col. 19 lines 56-64 of Muret).

32. With respect to Claim 23, Vaid in view of Muret teaches all the limitations of Claim 22 and further teaches determining the traffic level further includes comparing the data traffic of a plurality of sites to determine a relative traffic volume (Col. 10 lines 53 - Col. 11 line 3 of Vaid).

33. With respect to Claim 24, Vaid in view of Muret teaches all the limitations of Claim 23 and further teaches the plurality of sites share a common attribute (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28 of Vaid).

34. With respect to Claim 25, Vaid in view of Muret teaches all the limitations of Claim 24 and further teaches the common attribute is at least one of selling similar products, providing similar types of service and providing similar types of information (Col. 10 lines 53 - Col. 11 line 3, Col. 14 lines 38-48, and Col. 16 lines 18-28 of Vaid).

35. With respect to Claim 28, Vaid in view of Muret teaches all the limitations of Claim 22 and further teaches monitoring the data traffic over the network further includes obtaining an originating address and a destination address for the traffic over the network (Col. 13 lines 33-43 of Vaid).

36. With respect to Claim 29, Vaid in view of Muret teaches all the limitations of Claim 28 and further teaches the originating address and destination address are obtained from a portion of the data traffic traveling over the network (Col. 13 lines 33-43 of Vaid).

37. With respect to Claim 30, Vaid in view of Muret teaches all the limitations of Claim 22 and further teaches the traffic information includes at least an address of the at least one site (Col. 14 lines 38-48 of Vaid).

38. With respect to Claim 31, Vaid in view of Muret teaches all the limitations of Claim 30 and further teaches the traffic information further includes a rate of the data traffic of the at least one site (Col. 4 lines 56-67 and Col. 10 lines 53 - Col. 11 line 3 of Vaid).

39.

40. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of Muret as applied to claim 22 above, and further in view of Sweet.

41. With respect to Claim 26, Vaid in view of Muret teaches all the limitations of Claim 22 but does not explicitly disclose network traffic memory coupled to the controller, wherein determining the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record stored in the network traffic memory. As part of determining a traffic level, Sweet teaches comparing current data traffic for at least one site to a historical data traffic record (Col. 2 line 55 - Col. 3 line 3 and Col. 4 line 59 - Col. 5 line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Vaid in view of Muret and modify it as indicated by Sweet such that the device further comprises a network traffic memory coupled to the controller, wherein determining the traffic level further includes comparing current data traffic for the at least one site to a historical data traffic record stored in the network traffic memory. One would be motivated to have this as this reduces false alarms and provides for more accurate conclusions in regard to network status (Col. 1 lines 52-63 and Col. 4 line 59 - Col. 5 line 7 of Sweet)

42. With respect to Claim 27, Vaid in view of Muret and in further view of Sweet teaches all the limitations of Claim 26 and further teaches the historical data traffic record is data traffic to the at least one site for a preceding period of time (Col. 2 line 55 - Col. 3 line 3 and Col. 4 line 59 - Col. 5 line 7 of Sweet).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
February 9, 2005

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER